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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,286	03/25/2004	Chad Nelson	12477-016001	6038

26191 7590 03/30/2007  
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MINNEAPOLIS, MN 55440-1022

EXAMINER
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WILSON, GREGORY A

ART UNIT	PAPER NUMBER
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3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/809,286

Applicant(s)

NELSON ET AL.

Examiner

Gregory A. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 21, 22, 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Henning et al (5,947,812)**. **Henning et al** discloses an air return bulkhead (22) having a peripheral portion adapted to abut a wall of a trailer (SEE Figure 15), a panel (side walls 130) coupled to offset the peripheral portion to define a plenum (air flow cavity) between the panel and also aids in maintaining the panel a distance from the wall, a strap system (252, 256) which is inherently releasably securing the peripheral portion in abutment with the wall therefore securing the bulkhead to the wall such that the bulkhead can be removed without the use of tools and is supported in the specification by column 5, lines 38-49; tapered sections containing the openings further act as a filter to prevent debris from entering the cavity (SEE column 3, lines 62-64) wherein the filter is part of the return plenum area (SEE Figure 5) where air is drawn in

and is slightly spaced from the lower edge of the panel. The airflow is inherently increased by baffles (38) which act to direct a wide volume of air entering at the bottom of the bulkhead toward the center of the panel (SEE column 4, lines 1-29) (SEE Figures 10 & 16). Henning does not disclose that the bulkhead is secured to the wall in an elevated position above the floor of the trailer, however, the strap system of Henning does provide structure capable of securing the bulkhead in an elevated position. Henning teaches a bulkhead molded of synthetic plastic material and Figures 10-18 show evidence of being a hollow structure and as evidenced by Onken (6,827,534), it is known in the art that bulkheads carry a weight in the neighborhood of 50 pounds. It would therefore, have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the bulkhead of Henning by having it supported at an elevated position for the purpose of allowing a larger airflow to enter therein. With regard to the applicants arguments that Henning does not teach "a lower panel portion that is wider than an upper panel portion such that the width of the plenum is greater proximal to the lower panel portion than the width of the plenum proximal to the upper panel portion", the examiner respectfully disagrees, since the applicant has not disclosed that having a bulkhead of this particular shape solves any stated problem or is for any particular purpose that is unobvious to one having ordinary skill in the art and such a modification would have involved a mere change in the size/shape of the component which is generally recognized as being within the level of ordinary skill in the art and as previously discussed, Henning discloses internal structure via baffles (38), which perform an identical function of the applicants invention since a large volume of

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air is received through the lower portion of the bulkhead and the airflow is converged to a narrow portion increasing its flow.

**Claims 23 & 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Henning (5,947,812) in view of Manfred (EP 1099598 A2)**. **Henning et al** discloses the applicants' primary inventive concept as stated above but does not specifically recite hook members. Manfred teaches that it is known to provide a removable bulkhead with hooks (3, 4) (SEE Figure 1) additionally, Manfred discloses that the hook members include a structure that include a teaching of extending in an angularly upward and downward direction as per Figure 1, See elements 3 & 4 and also Figures 2a & 2c particularly 2a which shows a surface where crossbars 6 & 7 can rest, so while the hook appears to be extending downwardly, this surface particularly the end lip portion, supports the limitation of being angularly upward in such a way that the lip portion (opposite of element 9 of Figure 2a) is increasingly compelled toward the trailer wall as hook members engage the panel. It would have been obvious to a person having ordinary skill in the art to which the subject matter pertains to provide the bulkhead of Henning et al with the hook members, as taught by Manfred for the purpose of providing a removable bulkhead which can be removed and reinstalled without the use of a handheld tool.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on (571) 272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**GREGORY WILSON**  
**PRIMARY EXAMINER**

*Gregory A. Wilson*

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March 25, 2007